

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1222 OF 2007

Air India Limited

....Petitioner.

V/s

United Labour Union & Anr.

....Respondents.

Mr. S.K. Talsania i/b M.V. Kini & Co. for the Petitioner.

Mr. Sushil Mahadeshwar for Respondents.

CORAM: V.M. KANADE, J.

DATE : 27th June, 2007

P.C.:-

1. Heard the learned Counsel appearing on behalf of the Petitioner and the learned Counsel appearing on behalf of Respondents.
2. The Petitioner - Air India Limited takes exception to the order passed by the Central Government Industrial Tribunal (Fort short "CGIT") in Reference CGIT 1/50 of 2003 whereby CGIT directed the Petitioner herein to pay bonus to workmen under reference @ one month salary for the period from 2001 to 2002 till disposal of the reference subject to its result.
3. In the present case, the appropriate Government had made a reference in terms of reference mentioned in the

said order. The Division Bench had, in its order dated 03/10/2006, directed Respondent No.1 herein to file fresh application for interim relief before the Industrial Court and also directed the Industrial Court to dispose of the said application expeditiously within a period of eight weeks. Accordingly, after such application was preferred by Respondent No.1 herein, CGIT was pleased to allow the said application.

4. Mr. Talsania, the learned Counsel appearing on behalf of the Petitioner has submitted that the Tribunal has not given adequate reasons while allowing the application which was filed by Respondent No.1 herein. He submitted that it was the duty of the Tribunal to have given sufficient reasons for coming to the conclusion on merits that the Respondent No.1 was entitled to seek benefits since the Petitioner had, in their case, contended that there was no relationship of employer and employee and that since the workmen were working in the housing colony of the Petitioner's Society, they were not entitled to claim permanency or seek any other benefits. He submitted that the Tribunal had erred in continuing bonus which was granted earlier by this Court during the pendency of Writ Petition and he submitted that the Tribunal, being a creature of statute, was required to independently assess the material on record and, thereafter, consider the case on merits. He submitted that the Tribunal had, therefore, committed an error of law which is apparent on the face of record and granted bonus merely because

workmen were getting bonus pursuant to the interims orders which were passed in the Writ Petition filed in this Court. He invited my attention to the judgment of the Apex Court in Surinder Prasad Tiwari Vs. U.P. Rajya Krishi Utpadan Mandi Parishad and Others reported in (2006) 7 SCC 684 and also to judgment of the Apex Court in Rashtriya Chem. & Fertilizers Ltd. and Anr. Vs. General Employees Association and Ors in **Civil Appeal No. 2122 of 2007 decided on April 23, 2007.**

5. It is not possible to accept the submissions made by the learned Counsel appearing on behalf of the Petitioner. The Tribunal has passed the impugned order pursuant to the directions given by Division Bench of this Court to decide the application of Respondent No.1 for bonus and for other interim reliefs. The order which is passed is an interlocutory order and, as such, I do not see any reason to interfere with the said order while exercising writ jurisdiction of this Court. Apart from that, the Tribunal in its order has given its reasons why it felt that the workers should get bonus. The Tribunal had held that the balance of convenience lies in favour of the workmen and irreparable loss would be suffered by them if they are denied the payment of bonus. It is, therefore, not correct to say that the Tribunal has merely continued the grant of bonus because the workmen were getting bonus pursuant to the interim orders passed by this Court. Hence, there is no merit in the submissions made by the learned Counsel appearing on behalf of the Petitioner. Petition is dismissed in limine. The Tribunal, however, is

directed to decide the reference as expeditiously as possible.

(V. M. KANADE, J.)